



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Office of the Chief Information Officer
High Performance Computing and Communications

Via FOIAonline

September 13, 2019

Nicholas Marritz
MuckRock News
DEPT MR73243
411A Highland Ave
Somerville, 02144

Re: FOIA Request No. DOC-NOAA-2019-001674

Mr. Marritz:

This letter responds to your Freedom of Information Act (FOIA) request received in FOIAonline on 06/28/2019, in which you requested records as follows:

1. Please produce all records related to the creation and development of NWS's mascot, Owlie Skywarn. This would include records related to NWS's decision to create a mascot in the first place. 2. If NWS contracted with a third party to create or develop the Owlie Skywarn mascot (or materials featuring Owlie Skywarn), please produce all related records, including contracts, progress reports, mockups, sample designs, drafts, and presentations. 3. Please produce records sufficient to identify all NWS guidelines regarding how the Owlie Skywarn costume or character may be used, displayed, or reproduced. If these guidelines have changed over time, please produce the past versions as well as the current version. This request includes all guidelines related to the use of Owlie Skywarn's social-media accounts, but I am not requesting the accounts themselves (e.g., there is no need to send me every Tweet, Facebook, or Instagram post ever posted to an Owlie-Skywarn-related account). 4. Please produce records sufficient to identify all of the ways in which NWS currently uses the Owlie Skywarn costume or character. 5. Please produce all records relating to any inquiries made by Congress, by any Congressional committee or subcommittee (including the U.S. Senate's Federal Financial Management subcommittee), or by any member of Congress, related to NOAA or NWS's use of mascots in general or Owlie Skywarn in particular. Please include any records produced by NOAA or NWS in response to such an inquiry. One such inquiry may have occurred in 2007: <https://oklahoman.com/article/3083453/oklahoma-senator-criticizes-government-mascots> 6. Please produce records sufficient to identify how much money NOAA/NWS has spent on Owlie-Sky--related -related activities during the last 5 years.

Pursuant to procedures established in 15 CFR 4.11(l), we rely on the following factors in determining whether the statutory standard for granting a fee waiver has been met:

1. The subject of the requested records must concern identifiable operations or activities of the Federal Government.
2. The disclosable portions of the requested records must be meaningfully informative about Government operations or activities in order to be "likely to contribute" to and increase public understanding of those operations or activities.
3. The disclosure of the requested information must contribute to the understanding of a reasonably broad audience of persons interested in the subject, as opposed to the individual understanding of the requester.
4. The disclosure of the requested information is likely to contribute "significantly" to the public's understanding of Government operations or activities.
5. Whether the requester has a commercial interest that would be furthered by the requester.

6. Whether any identified commercial interest of the requester is sufficiently great, in comparison with the public interest in disclosure, such that the disclosure is not primarily in the commercial interest of the requester.

Your fee waiver justification does not satisfy the six factors contemplated in 15 CFR 4.11. Therefore this constitutes a denial of your fee waiver request. Your request will be processed under the "Other" fee category and if applicable, a fee estimate will be sent to you. You have the right to appeal this denial of the FOIA Fee Waiver request. An appeal must be received within 90 calendar days of the date of this response letter by:

Assistant General Counsel for Employment, Litigation, and Information
U.S. Department of Commerce Room 5896
1401 Constitution Ave. NW
Washington, DC 20230

An appeal may also be sent by e-mail to FOIAAppeals@doc.gov, or by FOIAonline, if you have an account in FOIAonline, at <https://foiaonline.regulations.gov/foia/action/public/home#>. The appeal should include a copy of the original request and initial denial, if any. The appeal should include a statement of the reasons why the Fee Waiver request should not be denied and why the adverse determination was in error. The appeal letter, the envelope, the e-mail subject line, should be clearly marked "Freedom of Information Act Appeal." The e-mail, FOIAonline, and Office are monitored only on working days during normal business hours (8:30 a.m. to 5:00 p.m., Eastern Time, Monday through Friday). FOIA appeals posted to the e-mail box, fax machine, FOIAonline, or Office after normal business hours will be deemed received on the next normal business day. If the 90th calendar day for submitting an appeal falls on a Saturday, Sunday or legal public holiday, an appeal received by 5:00 p.m., Eastern Time, the next business day will be deemed timely.

The Office of Government Information Services (OGIS), an office created within the National Archives and Records Administration, offers mediation services to FOIA requesters. They may be contacted in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
Room 2510
8601 Adelphi Road
College Park, MD 20740-6001

Email: ogis@nara.gov
Phone: 301-837-1996
Fax: 301-837-0348
Toll-free: 1-877-684-6448

Additionally, you may contact the NOAA FOIA Public Liaison Ed Kearns at (828) 273-1998.

Sincerely,

Brittany Pugh
NOAA FOIA Office